

RECORD OF PROCEEDINGS  
AIR FORCE BOARD FOR CORRECTION OF MILITARY RECORDS

FEB 19 1999

IN THE MATTER OF:

DOCKET NUMBER: 98-01102

COUNSEL: None

HEARING DESIRED: No

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APPLICANT REQUESTS THAT:

He be given a waiver of the six months retainability to be eligible for promotion to master sergeant (MSgt).

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APPLICANT CONTENDS THAT:

The Promotion Enhancement Program (PEP) process takes several months to complete. The initial step is the eligibility notification. Then the actual package is prepared (December 1996) and the suspense date is 90 days (February 1997) from the initial preparation of the package. The selection board meets the month (March 1997) following the suspense date and makes the selection for promotions. These promotions become effective the month (April 1997) after the selection board meets. He was ranked number one at the top of the list of technical sergeants for promotion to MSgt for the PEP cycle February 1997. The effective date of the promotion would have been 1 April 1997. He was denied this promotion due to not having six months of retainability prior to his high year tenure (HYT) date of 1 September 1997. He believes that when someone performs their duties exceptionally well, they should be recognized for their efforts, as well as being rewarded. He has been recognized for his exceptional efforts and he would have been rewarded by being promoted through the PEP process. However, the PEP promotion was not allowed because of his HYT date. After all these years of service to commitment to duty, to his country, making sacrifices and working for his opportunity to become a MSgt, it is very unjust to be turned down because of the HYT rule. The HYT rule is very rigid. There has only been one waiver to the rule to exceed the 33 year maximum. The retainability of six months for promotion under the PEP process is not just. Someone who meets all the criteria for PEP nomination and is selected could retire or separate the next day even though they may have more than six months on their enlistment. The PEP promotion is based on merit. The amount of time in the cycle from start to finish is

approximately six months. This means that a nomination for PEP must be at least 12 months prior to separation. As a deserving noncommissioned officer (NCO) who was asked to use his leadership training and skills to transform a troubled section into a cohesive unit, it is unjust that he should be denied a promotion.

Applicant's complete submission is attached at Exhibit A.

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STATEMENT OF FACTS:

Applicant enlisted in the California Army National Guard on 15 August 1964. On 31 May 1972, he was honorably discharged.

On 1 June 1972, he enlisted in the United States Air Force Reserve (USAFR) in the grade of technical sergeant (TSgt). He reenlisted on 21 February 1974, 11 April 1976, 13 March 1982, 12 January 1986, and 8 December 1991 in the grade of TSgt.

Applicant was nominated for promotion to the grade of MSgt under the PEP with an effective date for promotion of 1 April 1997.

Applicant had a HYT date of 1 September 1997 which rendered him ineligible for promotion.

In accordance with AFI 36-2502, individuals projected for separation, retirement, or reassignment within six months of the promotion date are ineligible for promotion.

APR/EPR profile since 1984 reflects the following:

<u>PERIOD ENDING</u>	<u>EVALUATION OF POTENTIAL</u>
30 Apr 84	9
21 Dec 84	9
21 Dec 85	9
21 Dec 86	9
06 Feb 88	9 (new rating system)
23 Feb 91	

On 1 September 1997, applicant retired from the USAFR in the grade of TSgt. He had served 33 years and 17 days of satisfactory service.

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AIR FORCE EVALUATION:

The Chief, Military Personnel Division, AFRC/DPM, reviewed this application and states that after a thorough review, they recommend member's request be disapproved. Applicant was

nominated for promotion under the PEP which is a board process. During a quality review check, it was ascertained he did not have the necessary remaining tenure in the Reserve. The effective date for promotion under PEP was 1 April 1997. The applicant's **HYT** date was 1 September 1997; therefore, he only had five months remaining in the service and did not meet the necessary requirements. To approve such a request would not be fair to others in the same situation or be good for the Air Force Reserve.

A complete copy of the evaluation is attached at Exhibit C.

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~~APPLICANT'S REVIEW OF AIR FORCE EVALUATION:~~

On 3 August 1998, a copy of the Air Force evaluation was forwarded to the applicant for review and response within 30 days. As of this date, no response has been received by this office.

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~~THE BOARD CONCLUDES THAT:~~

1. The applicant has exhausted all remedies provided by existing law or regulations.
2. The application was timely filed.
3. Insufficient relevant evidence has been presented to demonstrate the existence of probable error or injustice. Applicant's contentions are duly noted; however, we agree with the opinion and recommendation of the Air Force and adopt their rationale as the basis for our conclusion that the applicant has not been the victim of an error or injustice. Therefore, in the absence of evidence to the contrary, we find no compelling basis to recommend granting the relief sought in this application.

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~~THE BOARD DETERMINES THAT:~~

The applicant be notified that the evidence presented did not demonstrate the existence of probable material error or injustice; that the application was denied without a personal appearance; and that the application will only be reconsidered upon the submission of newly discovered relevant evidence not considered with this application.

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The following members of the Board considered this application in, Executive Session on 12 January 1999, under the provisions of AFI 36-2603 :

Mr. Vaughn E. Schlunz, Panel Chair  
Mr. Richard A. Peterson, Member  
Mr. Frederick R. Beaman, III, Member  
Ms. Gloria J. Williams, Examiner (without vote)

The following documentary evidence was considered:

Exhibit A. DD Form 149, dated 2 April 1998, w/atchs.  
Exhibit B. Applicant's Master Personnel Records.  
Exhibit C. Letter, HQ AFRC/DPM, dated 10 July 1998.  
Exhibit D. Letter, AFBCMR, dated 3 August 1998.

  
VAUGHN E. SCHLUNZ  
Panel Chair